

## **MINUTES**

### **UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING**

**September 11, 2003**

**Board Members Present:**

Judy Lever, Chair; Craig Anderson, Vice-Chair; Dianne Nielson; Lowell Peterson; Bill Doucette; Scott Widmer; Ken Alkema; Cullen Battle; John Newman; Michael D. Brehm; Carlton Christensen.

**Staff Members Present:**

Dennis R. Downs, Executive Secretary; Brad T. Johnson, UST Executive Secretary; Marilyn Ratcliffe; Arlene Lovato; Scott Anderson; Dale Marx; Ralph Bohn; Marty Gray; Doug Taylor; Don Verbica.

**Others Present:**

Raymond Wixom, Clint Warby, Kris Snow, Richard Rathbun, Mark Williams, Daniel Shrum.

- I. The meeting was called to order at 1:10PM.
- II. It was moved by Lowell Peterson and seconded by Scott Widmer, and unanimously carried that the August 14, 2003 Board meeting minutes be approved.
- III. Natural resource damage trustee's public comment on the proposed Southwest Jordan Valley Ground Water Cleanup Project - Dianne Nielson

There is a natural resource damage proposal that is out for public comment and will be considered through October 1, 2003. It concerns cleanup in the area that is referred to as the Southwest Jordan Valley, which encompasses West Jordan, South Jordan, Riverton, and Herriman areas. The request for comment is regarding the proposal, which the trustee has received regarding groundwater clean up.

There are two plumes of high sulfate groundwater that are proposed for clean up in that area. A Consent Decree was issued in 1995 that provided the direction for work that Kennecott was to perform as a result of damage which had been created by their mining operations. Some of that work went forward under the process and procedures, in review of Superfund, and resulted in a record of decision that was earlier issued by EPA. The most contaminated plume is currently being pumped and remediated.

Sulfate contamination was part of the Natural Resource Damage Claim and in the Consent Decree, Kennecott was to provide funding in the form of an irrevocable letter of credit and some cash for the clean up. There was also a provision that they could come up with a plan to provide

municipal quality drinking water by a purveyor, who is not associated with Kennecott. For that, Kennecott can receive credit against/or use the irrevocable letter of credit and the cash bond.

This proposal offers a mechanism where Kennecott and the Jordan Valley Water Conservancy District would work together by building and operating two reverse osmosis plants which would extract sulfate contaminated water from the plume, clean it up, and provide it to the public in the effected areas through agreements that Jordan Valley Water Conservancy District has with the four communities aforementioned.

The first public hearing was held Wednesday, September 10, 2003, and the second public hearing will be held September 25, 2003. Comment will close at midnight on October 1, 2003.

On the DEQ website there is a listing of the proposal along with the documents associated with this project.

#### IV. Underground Storage Tanks (UST) General Statistics - Brad Johnson

<b>PROGRAM</b>	<b>July</b>	<b>August</b>	<b>Difference from July</b>
Number of current tanks with a Certificate of Compliance	4,002	4,005	3
Number of Tanks with a Certificate Of Compliance on the PST Fund	3,560	3,563	3
Total Number of Tanks Regulated	4,171	4,181	10
Total Number of LUST sites closed to date	3,613	3,623	10
Total PST sites with claims or expected claims	477	480	3
Open + Closed Grand Total	\$95,041,043.28	\$95,450,836.00	\$409,792.72
PST Fund Balance	(\$71,721,951.00)	(\$71,417,235.00)	(\$304,716.00)
PST Assets Total	\$10,980,269.77	\$10,774,166.41	(\$206,103.36)
Loan Fund – Total Loans Made to Date	68	68	0
Total Amount Loaned to Date	\$1,847,797.60	\$1,847,797.60	0

#### V. Final Adoption of proposed Hazardous Waste Rule changes - Rusty Lundberg

These proposed rule changes adopt recent changes made to corresponding federal regulations. With the approval of the Solid and Hazardous Waste Control Board, a 30-day public comment period was held. No comments were received.

**\*\*It was moved by Scott Widmer and seconded by John Newman, and unanimously carried that the proposed changes to the Hazardous Waste Rules be approved, with an effective date of September 15, 2003.**

Mr. Lundberg furnished each Board member with a colored chart, which gave a comparison of the different states throughout the country and their percentages according to the level of authorization approval. Utah is in the top percentile range at 92 percent. This percentage is in relationship to the number of rules involved, which in this case is 210 rules. When considering the strict schedule that is outlined in the Code of Federal Regulations and how states are to adopt regulations and receive authorization, you realize that the most beneficial result is the fact that the State of Utah has retained/added to their authorization from EPA. Judy Lever commended the Division for their timeliness and for the State authorization status.

VI. Solid Waste Program update update - Ralph Bohn

Mr. Bohn showed a power point presentation for the Board which discussed: solid waste disposal rates, disposal options, landfills, incineration, transportation, transfer stations, non-disposal options, composting, recycling, and future trends in the Solid Waste Program. A copy of the presentation is available upon request.

VII. Commercial/Federal Facility issues - Don Verbica/Boyd Swenson

A. Proposed Stipulation and Consent Order (SCO) between the Board and Clean Harbors

This SCO will resolve a Notice of Violation issued March 31, 2003. The public comment period commenced on August 7, 2003 and concluded on September 2, 2003. No comments have been received.

The violations have been resolved and the SCO includes a penalty of \$2,536.00.

**\*\*It was motioned by Carlton Christensen and seconded by Scott Widmer, and majority ruled that the SCO between the Board and Clean Harbors (Aragonite) be approved. Lowell Peterson abstained from the vote due to conflict of interest.**

B. Proposed Stipulation and Consent Order (SCO) between the Board and Envirocare - Don Verbica

Kenneth Alkema and Cullen Battle abstained from any participation with this issue due to conflict of interest.

The violations for this SCO have been resolved and the SCO includes a penalty of \$9,160.00.

The violations included:

- Failing to maintain and operate the facility to minimize the possibility of any sudden or non-sudden release of hazardous constituents to the air, soil, groundwater or surface water;
- failing to properly evaluate Waste Profile Records (WPR) to ensure the waste is acceptable for management;
- failing to ensure there is a current WPR in the operating record;
- failing to ensure that all personnel responsible for inspecting incoming waste shipments are familiar with the current WPR;
- placing hazardous waste in the RCRA landfill cells that did not meet the LDR treatment standards;
- failing to verify treatment by sampling and analyzing stabilization residues in accordance with the specified minimum frequency to confirm the applicable treatment standards have been met;
- failing to submit appropriate as-built drawings that show the design top of waste profiles.

The public comment period commenced on September 2, 2003 and will end on October 2, 2003. This will be brought back to the Board for final action when comments have been addressed.

#### VIII. Chemical Demilitarization update

##### A. TOCDF update

TOCDF is undergoing a scheduled maintenance outage, which started one week ago and will last for one month. The main project is to reline a tank for holding spent decontamination fluid.

##### B. Proposed Stipulation and Consent Order (SCO) between the Board and Dugway Proving Ground - Marty Gray

This proposed SCO will resolve a Notice of Violation given to Dugway Proving Ground on August 1, 2002, and also resolves violations documented subsequent to the NOV/CO.

This SCO requires Dugway to document compliance with contingency plan requirements and propose changes to the way wastes are identified and managed at the Solid Waste

Management Units. The SCO also includes a penalty of \$3,400 and two orders to update their contingency plans and the arrangements they make with outside agencies.

Dugway has a number of solid waste management units located throughout their facility, and they are in the process of finding more effective methods to handle the waste from those units so that the waste does not sit there and continue to be a source of contamination to the soil and groundwater.

The public comment period for this SCO concluded on August 27, 2003. No comments were received.

**\*\* It was moved by Bill Doucette and seconded by Kenneth Alkema, and unanimously carried that the SCO between the Board and Dugway be approved.**

IX. Other

Board members discussed a number of issues associated with future Board activities and meetings. Discussion items included the following:

- Recycling data
- Springfield trip, Envirovare/Grassy Mountain/Arragonite. One Board member suggested a Board Meeting in Tooele on the same day.
- "Virtual tour" of landfills (ECDC); also, possible visit.
- Salt Lake Valley landfill tour after October 9, 2003 Board meeting. Plan to adjourn around 2:30.m. and reconvene at the landfill around 3:00 p.m.
- November 13, 2003 - Potential Chevron tour after Board meeting/ also, Golden Eagle tour.
- Used oil presentation prior to oil refinery tour
- Continue to bring info topics to Board
- Handle public comments under "other business."
- Cedar City meeting - usefulness? Some of the Board members felt it would be more useful if visits to a facility that is regulated by DEQ, or visits to the District Health Department would make it more useful.

These issues will be further discussed at future Board meetings.

X. The next Board Meeting will be held October 9, 2003 at 1:00 p.m. in the DEQ Building #2 Conference Room.

XI. Adjourned at 3:50 p.m.